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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,108	01/22/2001	James Brian Vrotacoe	600.1118	9101
23280	7590	11/02/2004	EXAMINER	
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018			NGUYEN, ANTHONY H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/767,108

**Applicant(s)**

VROTACOE, JAMES BRIAN

**Examiner**

Anthony H Nguyen

**Art Unit**

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-19 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

In view of the appeal brief filed on January 21, 2004, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 U.S.C. § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Fellows (US 4,030,415).

Fellows teaches a printing cylinder having a cylinder body 10 including an outer surface with at least one hole 10c and a supply line 16 in the cylinder body including a fluid flow restrictor as shown in Fig.1 (no numeral references, but the fluid flow restrictor can be seen at the lead lines at the numeral reference 16 in Fig.1 of Fellows, see also, col.3, the fourth paragraph) for supplying fluid to the at least one hole which is covered by an axially removable printing sleeve 17 as shown in Figs. 1 and 4 of Fellows.

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5,7-14 and 16-19 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Fellows (US 4,030,415) in view of Kay et al. (US 4,398,563).

With respect to claims 3 and 10, Fellows teaches all that is claimed, except the flow restrictor which alters the fluid flow. However, Kay et al. teaches a fluid flow restrictor 10 to alter fluid flow to as least one holes as shown in Figs.1-7. Therefore, in view of the teaching of Kay et al., it would have been obvious to one of ordinary skill in the art to modify the printing cylinder of Fellows by providing a fluid flow restrictor as taught by Kay et al. to permit more precise control the fluid flow in the cylinder for mounting or replacing a printing sleeve.

With respect to claims 4 and 7, the selection of a desired location of the holes which are closer to or away from the work side end or the gear side end would be obvious through routine experimentation for ease of mounting or replacing a printing sleeve on the cylinder body.

With respect to claims 5, 8, 9 and 11, the provision of a plurality of a single element taught by the prior art has long been held to be an obvious expedient.

With respect to claims 16-19, the combination of Fellows and Kay et al. renders obvious the steps as recited in the claims since the combination teaches the steps of applying fluid pressure to an inside of a printing sleeve, sliding the printing sleeve on the printing cylinder and automatically restricting fluid flow.

Claim 15 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Fellows in view of Kay et al. as applied to claims 3-5,7-14 and 16-19, and further in view of Thompson et al. (US 5,544,584).

Fellows and Kay et al. teach all that is claimed, except for the two sleeves which are placed on one cylinder. Thompson et al. teaches the use of two sleeves 10 and 11 which are placed on a printing cylinder 22. In view of the teaching of Thompson et al., it would have been obvious to one of ordinary skill in the art to provide two sleeves on a printing cylinder as taught by Thompson et al. for ease of mounting or dismounting the sleeves from a printing cylinder.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-5 and 7-19 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that there is no motivation to combine Fellows and Kay because Kay teaches the restrict flow as a function of the intentional movement of the valve member.

As plained above, Fellows clearly teaches the "fluid restrictor" that is located at the end of the passageway or supply line 16 as shown in Fig.1. Note, also that Fellows's fluid restrictor clearly meets the language "alters fluid flow as a function of the

Art Unit: 2854

at least one hole being covered by an axially-removable printing sleeve". While Kay teaches the flow restrictor which is function of internal movement of the valve member, Kay teaches the flow restrictor which alters the fluid flow and creates vortices (Kay, Figs.2 and 9). Therefore, the combination of Fellows and Kay renders obvious the structure as recited in claims 3-5 and 7-19. In response to applicant's argument that there is no suggestion or motivation to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kay clearly teaches the flow restrictor which alters fluid flow and creates vortices as recited.

Applicant argues that Fellows and Kay does not teach two printing sleeve on one cylinder as recited in claim 15.

As explained above, Fellows, Kay and Thompson et al. teach the use of two cylinders on the cylinder as recited, and Fillows alone teaches the printing cylinder having an outer surface including at least two external holes and the flow restrictors 10c, 10b, 16, 16a, 16b as shown in Figs.1, 1c and 1d, 4.

Applicant argues that Fellows and Kay does not teach the blanket sleeve for an offset lithographic printing press as recited in claim 18.

It is noted that applicant's argument is more specific than the limitations as recited in the claim. For example, the "offset lithographic printing press" as argued is not cited in claim 18 or its parent claim 16. Therefore, the rejection of claim 18 is proper.

Art Unit: 2854

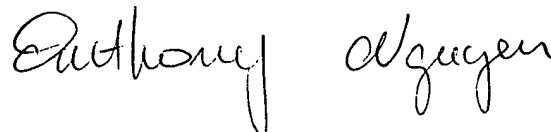
In response to applicant's arguments against references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### ***Conclusion***

The patents to Backer et al., and Gayle et al. are cited to show other structures and method having obvious similarities to the claimed structure and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink that reads "Anthony Nguyen". The signature is written in a cursive, flowing style.

Anthony Nguyen  
10/29/04  
Patent Examiner  
Technology Center 2800